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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,867	10/21/2003	Gerard A. Esposito	TPS-007	3336
21323	7590	10/13/2004	EXAMINER	
TESTA, HURWITZ & THIBEAULT, LLP			NASRI, JAVAID H	
HIGH STREET TOWER			ART UNIT	PAPER NUMBER
125 HIGH STREET				
BOSTON, MA 02110			2839	

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,867	ESPOSITO, GERARD A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Javaid Nasri	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 August 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4,6-16,18-28,30-40 and 42-48 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4,10-16,22-28,34-40 and 46-48 is/are rejected.  
 7) Claim(s) 6-9,18-21,30-33 and 42-45 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26, 34, 37 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Wisecarver (US 2004/0037509 A1).

Wisecarver discloses, **for claims 26 and 37**, an optical fiber (200); a transition bushing having a first section (150) and a second section (160), the first and second sections of the transition bushing having different physical properties; the first and second sections of the transition bushings have different coefficients of thermal expansion (see Para 0014), ferrule (not shown, see Para 0014), **for claims 34 and 46**, housing.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 10-16 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisecarver (in view of Gordon et al for claims 2, 3 (metallized), (in view of Paschke et al for claim 4), (in view of Hashizumel for claims 12 and 13, 24, 25),  
Wisecarver discloses all the structural limitations of claims 1 and 14 as shown above, however, Wisecarver does not describe the method as claimed. The claimed method language is counter part of the apparatus claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to develop a particular method for the disclosed apparatus of the cited references.

6. Claims 27 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisecarver in view of Gordon et al (4,752,109, cited in previous office action).  
Wisecarver discloses all the limitations of claim 26, as shown above.

However, Wisecarver does not disclose,

- a) the fiber is mounted in the transition bushing through a solder joint.  
Gordon et al discloses a fiber is mounted in the transition bushing through a solder joint (50), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wisecarver to have

the fiber to be mounted in the transition bushing through a solder joint in view of Gordon et al to have stable conductive connection.

7. Claims 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisecarver in view of Paschke et al (4,904,046, cited in previous office action).

Wisecarver discloses all the limitations of claim 26, as shown above,

However, Wisecarver does not disclose,

- a) the fiber is mounted in the transition bushing through a glass sealing process. Paschke et al discloses a fiber is mounted in the transition bushing through a glass sealing process (see abstract), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wisecarver to have the fiber is mounted in the transition bushing through a glass sealing process in view of Paschke et al to have better sealing.

8. Claims 35, 36, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wisecarver in view of Hashizume (5,631,990, cited in previous office action).

Wisecarver discloses all the limitations of claims 26 and 34, 37 and 46, as shown above,

However, Wisecarver does not disclose,

- a) the transition bushing is mounted in the housing using laser welding. Hashizume discloses a transition bushing is mounted in the housing using laser welding (see col. 3, lines 8-20), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for

Wisecarver to have the transition bushing is mounted in the housing using laser welding in view of Hashizume for better connections.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wisecarver Wisecarver discloses all the limitations of claim 37, as shown above, However, Wisecarver does not disclose,

- a) the ferrule is made of ferrous alloy. Official notice is taken that ferrule made of ferrous alloy is well known in the art, therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Wisecarver to have ferrule made of ferrous alloy.

*Allowable Subject Matter*

10. Claims 6-9, 18-21, 30-33 and 42-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**REASONS FOR ALLOWANCE**

11. The following is an examiner's statement of reasons for allowance:

See previous office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

12. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Contact***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any correspondence to this action may be mailed to:**

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see  
*Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332*  
(*March 25, 2003*).

**Or faxed to:** 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled  
“PROPOSED” or “DRAFT”)

**Hand-delivered responses should be brought to:**

**Crystal Plaza 4, Fourth Floor (receptionist)  
2201 South Clark Place, Arlington, Virginia**

  
Javaid Nasri  
Primary Examiner  
Art Unit 2839

  
jhn  
October 6, 2004